



## T. A. BLACKBURN LAW

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February 22, 2023

**Via ECF**

Hon. Katherine Polk Failla, USDJ  
United States District Court for the Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square, Courtroom 618  
New York, NY 10007

Re: **von der Schmidt et al. v. Morgan Stanley & Co., et al.**  
**Case No. 1:22-cv-08198**

Dear Judge Failla:

This firm represents the Plaintiff in the above-captioned litigation. I write to request an extension of time for the Plaintiffs to file their opposition to Defendant's "Motion to Compel Arbitration of Plaintiff von der Schmidt's claims and Dismiss Plaintiff Ngo's claims."

Unfortunately, in recent weeks and months, this writer has faced serious challenges caring for a very ill family member overseas. This writer is currently out of the country and was scheduled to return on 2/19/2023. Due to a negative turn in my family member's health, this writer is now scheduled to return on February 25, 2023, once relief arrives, to assume the caretaking duties full-time.

On February 18, 2023, this writer contacted the defendant's counsel and informed him of the circumstances detailed above. This writer originally requested 30 days extension to complete the opposition, as this writer is not in the appropriate mental state to provide a coherent opposition. Defendant's counsel only agreed to a one-week extension. This writer then requested 3 weeks and offered Defendants a 3-week extension to reply. Opposing counsel denied the 3-week extension insisting on a one-week extension.

The Plaintiffs are now turning to the court to request a 3-week extension to file an opposition to the Defendant's motion. This is Plaintiff's first and only request for an extension of time.



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The proposed new filing dates are as follows:

- Plaintiff's Opposition to Defendants Motion: March 20, 2023.
- Defendants Answer or Motion: April 5, 2023.

We thank the court for its time and consideration.

Respectfully Submitted,

*Tyrone A. Blackburn, Esq.*  
Tyrone A. Blackburn, Esq.

Cc: All counsel of record.



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